

DEPARTMENT OF LABOR AND INDUSTRY

CHAPTER 222

BOARD OF SPEECH-LANGUAGE PATHOLOGISTS AND AUDIOLOGISTS

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Sub-Chapter 1

Organizational Rule

24.222.101 BOARD ORGANIZATION (1) The board of speech-language pathologists and audiologists hereby adopts and

incorporates the organizational rules of the department of labor and industry as listed in chapter 1 of this title. (History: 37-15-202, MCA; IMP, 2-4-201, MCA; NEW, Eff. 3/7/76; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; TRANS, from Commerce, 2004 MAR p. 2284.)

## Sub-Chapter 2

### Procedural Rules

24.222.201 PROCEDURAL RULES (1) The board of speech-language pathologists and audiologists hereby adopts and incorporates the procedural rules of the department of labor and industry as listed in chapter 2 of this title. (History: 37-15-202, MCA; IMP, 2-4-201, MCA; NEW, Eff. 3/7/76; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; TRANS, from Commerce, 2004 MAR p. 2284.)

24.222.202 PUBLIC PARTICIPATION RULES (1) The board of speech-language pathologists and audiologists hereby adopts and incorporates by this reference the public participation rules of the department of commerce as listed in chapter 2 of Title 8. (History: 37-15-202, MCA; IMP, 2-3-103, MCA; NEW, 1980 MAR p. 970, Eff. 3/14/80; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; TRANS, from Commerce, 2004 MAR p. 2284.)

## Sub-Chapter 3

### Definitions

24.222.301 DEFINITIONS (1) Currently practicing and/or actively engaged in practice shall be defined as minimum of 15 hours per week of active involvement in rendering clinical services to the public, teaching, performing research or in administration in the fields of speech-language pathology and/or audiology.

(2) Certificate of clinical competence is interpreted as a current certificate.

(3) Colleges, universities and institutions approved by the board, shall include those colleges, universities and institutions accredited by the American board of examiners in speech-language pathology and audiology.

(4) Thirty days shall be defined as 30 clinical working days.

(5) Whenever the term license is used in these rules, it shall refer to a valid Montana full status license as issued under this act. It does not imply probationary or temporary license.

(6) Speech-language pathology aides shall be classified as one of the following categories:

(a) aide I shall mean a person who holds an undergraduate degree in communication sciences and disorders, or its equivalent, and is currently enrolled in an accredited graduate

program for the purpose of completing licensure requirements. The aide I shall submit verification of the required continuing education units set forth in ARM 24.222.2102 to the board annually;

(b) aide II shall mean a person who holds an undergraduate degree in communication sciences and disorders, or its equivalent, but is not currently enrolled in an accredited graduate program. The aide II shall submit verification of the required continuing education units set forth in ARM 24.222.2102 to the board annually;

(c) aide III shall mean a person who holds no undergraduate degree in communication sciences and disorders or its equivalent. The aide III shall submit verification of the required continuing education units set forth in ARM 24.222.2102 to the board annually.

(7) Audiology aides shall be classified as one of the following categories:

(a) audiology aide shall mean a person meeting the minimum requirements established by the board who performs any of the activities defined under the "practice of audiology" definition of 37-15-102, MCA, under the supervision of a licensed audiologist;

(b) industrial audiology aide shall mean an audiology aide who conducts pure tone air conduction threshold audiograms for the purpose of industrial hearing tests in addition to other acts and services as provided in the statutes and rules. (History: 37-15-202, MCA; IMP, 37-15-102, 37-15-202, MCA; NEW, Eff. 3/7/76; AMD, 1981 MAR p. 363, Eff. 4/17/81; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; AMD, 1983 MAR p. 274, Eff. 4/1/83; AMD, 1999 MAR p. 408, Eff. 3/12/99; TRANS, from Commerce, 2004 MAR p. 2284.)

#### Sub-Chapter 4

#### General Provisions

24.222.401 FEES (1) Fees are payable to the board of speech-language pathologists and audiologists. The board assumes no responsibility for loss in transit of such remittances. All fees are nonrefundable.

(2) The board has established the following fees:

(a) Application fee for speech-language pathologist and/or audiologist \$ 50

(b) Original license fee for speech-language pathologist and/or audiologist 50

(c) Renewal fee for speech-language pathologist and/or audiologist 100

(i) Late renewal fees are an additional 10% due each month that the payment of the renewal fee is delayed after the February 1 expiration date. The maximum fee for delayed renewal may not exceed twice the normal renewal fee.

(d) Placement of a license on inactive status for a speech-language pathologist and/or audiologist 50

(e) A combined application and temporary

license fee for a speech-pathologist and/or audiologist 50  
(f) Registration for speech-language  
pathologist aide and/or audiologist aide 30  
(i) Late registration fee for aides is an additional \$20  
for registrations made after October 31.  
(g) Replacement or duplication of a license 10  
(3) The yearly registration fee for the unlicensed person  
shall be consistent with the initial application and license fee  
for a speech-language pathologist and/or audiologist. The  
yearly registration fee for an unlicensed person is \$100. The  
unlicensed person provisions of 37-15-313, MCA, terminate June  
30, 2003. (History: 37-1-134, 37-15-202, MCA; IMP, 37-15-307,  
37-15-308, 37-15-313, MCA; NEW, 2002 MAR p. 3325, Eff. 11/28/02;  
TRANS, from Commerce, 2004 MAR p. 2284.)

Rules 24.222.402 and 24.222.403 reserved

24.222.404 BOARD STANDARDS AND POLICY (1) All  
submissions to the board, or requests of the board, shall be  
made in writing to said office. All communications with the  
board must be in written form as a matter of record before  
official consideration will be given to issues, requests or  
submissions, brought before the board. Correspondence from the  
board of any specific nature shall be signed by the chairman.  
Formal board correspondence of all board members shall be  
forwarded to the board office to be placed on file. (History:  
37-15-202, MCA; IMP, 37-15-202, MCA; NEW, Eff. 3/7/76; TRANS,  
from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff.  
7/1/81; TRANS, from Commerce, 2004 MAR p. 2284.)

## Sub-Chapter 5

### Licensing and Scope of Practice

24.222.501 APPLICATIONS FOR LICENSE (1) An application  
for a license as a speech-language pathologist and/or  
audiologist shall be submitted to the board office in Helena on  
application forms provided by the board.

(2) Every application shall be typed or written in ink,  
signed and accompanied by the appropriate application fee and by  
such evidence, statements or documents as therein required.

(3) The applicant shall be notified, in writing, of the  
results of the evaluation of his application for license.

(4) Approved applications and all documents filed in  
support thereof shall be retained by the board with the  
provision that the board may permit such documents to be  
withdrawn upon substitution of a true copy.

(5) The board may request such additional information or  
clarification of information provided in the application as it  
deems reasonably necessary.

(6) An applicant shall be deemed to have abandoned his  
application if he does not complete the application requirements  
for licensure within one year from the date on which the  
application was filed. An application submitted subsequent to

an abandoned application shall be treated as a new application. (History: 37-15-202, MCA; IMP, 37-15-302, MCA; NEW, Eff. 3/7/76; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; AMD, 1983 MAR p. 274, Eff. 4/1/83; TRANS, from Commerce, 2004 MAR p. 2284.)

Rule 24.222.502 reserved

24.222.503 QUALIFICATIONS FOR ACTIVE TEMPORARY LICENSE

(1) The following licensure category shall be established pursuant to this act:

(a) active temporary license to practice as a speech-language pathologist and/or audiologist in Montana will be issued to qualified individuals engaged in clinical experience year activities (CEY-Montana, 37-15-303(1), MCA); or clinical fellowship year (CFY-ASHA) activities. An active temporary license shall be issued for two years and is non-renewable except at the discretion of the board. (History: 37-15-202, MCA; IMP, 37-15-202, MCA; NEW, Eff. 3/7/76; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; AMD, 1999 MAR p. 2249, Eff. 10/8/99; TRANS, from Commerce, 2004 MAR p. 2284.)

Rules 24.222.504 and 24.222.505 reserved

24.222.506 LICENSURE OF OUT-OF-STATE APPLICANTS (1) A

license to practice speech-language pathology or audiology in the state of Montana may be issued at the discretion of the board provided the applicant completes and files with the board an application for licensure and the required application fee. The candidate must meet the following requirements:

(a) The candidate holds a valid and unrestricted license to practice speech-language pathology or audiology in another state or jurisdiction, which was issued under standards equivalent to or greater than current standards in this state. Official written verification of such licensure status must be received by the board directly from the other state(s) or jurisdiction(s),

(b) The candidate shall supply a copy of the certified transcript sent directly from a college, university or institution approved by the board, including those programs accredited by the American board of examiners in speech-language pathology and audiology,

(c) The candidate shall supply proof of successful completion of the national examination offered through the professional assessment for beginning teachers (PRAXIS series), educational testing services, Princeton, New Jersey. Candidate scores on the appropriate area of examination must be forwarded by PRAXIS directly to the board.

(2) A license to practice speech-language pathology or audiology in the state of Montana may be issued at the discretion of the board provided the applicant completes and files with the board an application for licensure and the required application fee, and provides proof the applicant holds

the certificate of clinical competence of the American speech-language-hearing association in the area for which the candidate is applying for a license. (History: 37-15-202, MCA; IMP, 37-1-304, MCA; NEW, 1996 MAR p. 2976, Eff. 11/8/96; TRANS, from Commerce, 2004 MAR p. 2284.)

24.222.507 TEMPORARY PRACTICE PERMITS (1) A speech-language pathologist or audiologist who holds ASHA certification or equivalent, or is licensed in another state and who has made application to the board for a license in this state may be granted a temporary permit and perform activities and services of a speech-language pathology or audiology nature pending disposition of the application. (History: 37-1-319, 37-15-202, MCA; IMP, 37-1-305, MCA; NEW, 1996 MAR p. 2976, Eff. 11/8/96; TRANS, from Commerce, 2004 MAR p. 2284.)

Rules 24.222.508 and 24.222.509 reserved

24.222.510 EXAMINATIONS (1) Applicants shall be administered the national examination offered through the national teacher examinations, educational testing service, Princeton, New Jersey.

(2) Arrangements and fees are the responsibility of the applicant.

(3) It shall be the responsibility of the applicant to assure that his score on the appropriate area examination is forwarded by NTE to the board. Applicants shall be notified of the board's decision concerning the examination following receipt of the examination score by the board.

(4) An applicant who fails his examination may be reexamined upon payment of another examination fee to the testing service.

(5) Applicants must also take and pass a jurisprudence examination as composed and corrected by the board, which measures the competence of the applicant regarding the statutes and rules governing the practice of speech-language pathology and audiology in Montana. The jurisprudence examination must be passed with a score of 95% or greater. Any applicant who fails the jurisprudence examination may re-take the examination two subsequent times. After a third failure, the applicant shall petition the board for each future re-examination. (History: 37-1-131, 37-15-202, MCA; IMP, 37-15-304, MCA; NEW, Eff. 3/7/76; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; AMD, 1989 MAR p. 2194, Eff. 12/22/89; AMD, 1998 MAR p. 2165, Eff. 8/14/98; TRANS, from Commerce, 2004 MAR p. 2284.)

24.222.511 PASS/FAIL CRITERIA (1) Pass/fail criteria of this exam will be determined by the board. The board will utilize the pass/fail criteria of the American speech-language-hearing association. If and when these criteria are considered for change the board will provide the opportunity for a public hearing. (History: 37-15-202, MCA; IMP, 37-15-304, MCA; NEW, Eff. 3/7/76; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; TRANS, from Commerce, 2004 MAR p. 2284.)

24.222.512 WAIVER OF EXAMINATION (1) The requirements for the certificate of clinical competence by the American speech-language-hearing association (revised March 1975) are deemed the equivalent of those for licensure under this act. Evidence of such certification shall be provided to the board by the applicant. All fees associated with obtaining such evidence shall be borne by the applicant. (History: 37-15-202, MCA; IMP, 37-15-305, MCA; NEW, Eff. 3/7/76; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; TRANS, from Commerce, 2004 MAR p. 2284.)

24.222.513 INACTIVE STATUS AND REACTIVATION (1) A licensee may place the license on inactive status by either indicating on the renewal form that inactive status is desired, or by informing the board office, in writing, that an inactive status is desired, and paying the appropriate fee. It is the sole responsibility of the inactive licensee to keep the board informed as to any change of address during the period of time the license remains on inactive status.

(2) A licensee may not practice any speech-language pathology or audiology work in the state of Montana while the license is in an inactive status.

(3) Upon application and payment of the appropriate fee, the board may reactivate an inactive license if the applicant does each of the following:

(a) signifies to the board, in writing, that upon issuance of the active license, the applicant intends to be an active practitioner in the state of Montana,

(b) presents satisfactory evidence that the applicant has attended 10 hours of continuing education which comply with the continuing education rules of the board for each year or portion of a year that licensee has been inactive,

(c) submits certification from the licensing body of all jurisdictions where the licensee is licensed or has practiced that the applicant is in good standing and has not had any disciplinary actions taken against the applicant's license, or if the applicant is not in good standing by that jurisdiction, an explanation of the nature of the violation(s) resulting in that status; including the extent of the disciplinary treatment imposed, and

(d) presents satisfactory evidence the applicant has not been out of active practice for more than five years. (History: 37-1-319, 37-15-202, MCA; IMP, 37-1-319, MCA; NEW, 1996 MAR p. 2976, Eff. 11/8/96; TRANS, from Commerce, 2004 MAR p. 2284.)

Sub-Chapter 6 reserved

Sub-Chapter 7

Speech Pathology and Audiology Aides

24.222.701 SUPERVISOR RESPONSIBILITY (1) All persons working in the capacity of a speech-language or audiology aide



must be under the direct supervision of a fully licensed speech-language pathologist or audiologist. This supervisor assumes full legal and ethical responsibility for the tasks performed by the aide and for any services or related interactions with a client.

(2) When aides are providing direct services under a licensed supervisor to individuals under 18 years of age, the supervisor is responsible for so informing, in writing, the parent, guardian, surrogate parent or person acting as a parent of a child in the absence of a parent or guardian.

(3) The speech-language pathology or audiology supervisor and/or appropriate administrative agency is responsible for insuring that the speech-language pathology or audiology aide is adequately trained for the tasks he/she will perform. The amount and type of training required should be based on the skills and experience of the speech-language pathology or audiology aide, the needs of the patients/clients served, the service setting, the tasks assigned and other factors as determined by the supervising speech-language pathologist and audiologist. (History: 37-15-202, MCA; IMP, 37-15-102, MCA; NEW, 1981 MAR p. 363, Eff. 4/17/81; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; AMD, 1983 MAR p. 274, Eff. 4/1/83; AMD, 1989 MAR p. 2194, Eff. 12/22/89; AMD, 1999 MAR p. 408, Eff. 3/12/99; TRANS, from Commerce, 2004 MAR p. 2284.)

24.222.702 SCHEDULE OF SUPERVISION - CONTENTS (1) For monitoring purposes, the supervisor must complete an aide registration form supplied by the board. This must include an acceptable schedule of supervision.

(2) Speech-language pathology aides shall be supervised in accordance with their level of aide classification under the following schedule:

(a) aide I shall be supervised a minimum of 30% while performing diagnostic and interpretive functions in the first year of non-allowable activities. The supervision requirement will be 5% of client contact time, of which 2% shall be direct contact after the first year, at the discretion of the supervising speech-language pathologist;

(b) aide II shall be supervised 10% of client contact time, of which 5% shall be direct contact;

(c) aide III shall be supervised 20% of client contact time, of which 10% shall be direct contact.

(3) Audiology aides shall be supervised in accordance with the following schedule:

(a) audiology aides shall be supervised under a proposed plan to be submitted by the supervisor with the aide application, but which shall include a minimum of 10% of client contact time;

(b) industrial audiology aides shall be supervised under (3)(a) above, but may be authorized to conduct pure tone air conduction threshold audiograms when performing outside the physical presence of a supervisor.

(4) The schedule of supervision must be signed by the

proposed supervisor and by a responsible representative of the employing agency. The schedule must be reviewed and approved by the board annually by October 31. Aides employed after October 31 shall work no more than 30 calendar days without registering with the board.

(5) Each supervisor must also submit a supervisor summary form, as prescribed by the board, which lists each speech or audiology aide, number of hours and other information as required by the board. The board will review the supervisor summary forms which indicate a supervisor supervises three or more speech or audiology aides, for compliance with the appropriate ratio of supervisor hours as stated in the rules.

(6) The supervisor must complete a mid-year verification form by February 25 of each year, on a form supplied by the board, to indicate continuing compliance with the schedule of supervision previously filed under (1) above. (History: 37-15-202, MCA; IMP, 37-15-102, 37-15-202, 37-15-313, MCA; NEW, 1981 MAR p. 363, Eff. 4/17/81; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; AMD, 1989 MAR p. 2194, Eff. 12/22/89; AMD, 1994 MAR p. 1992, Eff. 7/22/94; AMD, 1998 MAR p. 2165, Eff. 8/14/98; AMD, 1999 MAR p. 408, Eff. 3/12/99; TRANS, from Commerce, 2004 MAR p. 2284.)

24.222.703 FUNCTIONS OF AIDES (1) The supervisor is obligated to ensure that the aide assist only in the provision of those services which are within the abilities of the aide as determined by the training and experience of that aide. The supervisor is directly responsible for all decisions affecting the client in all phases of diagnosis, treatment and disposition. It is recognized that administrative responsibilities for the aide(s) may be with other than the professional supervisor and those responsibilities are not included in this regulation.

(2) All speech-language pathology aides shall be under the appropriate supervision for their category of aide. Each aide shall comply with the following function guidelines for the appropriate aide category:

(a) aide I may:

(i) perform tasks identified by the speech-language pathology supervisor in the required task analyses, which do not violate any provision of Title 37, chapter 15, MCA, or these rules;

(ii) conduct speech-language evaluations, and write evaluation reports which have been properly signed off by the supervisor;

(iii) conduct screening activities;

(iv) interpret data or clinical experience into diagnostic statements of clinical management policies with supervisor review;

(v) transmit clinical information to appropriate persons with supervisor approval;

(vi) write or plan individual or group therapy/rehabilitation plans which have been properly signed off by the supervisor;

(vii) attend and allow to function as part of the child study and individual education planning (IEP) meetings.

(b) aide II may:

(i) perform tasks identified by the speech-language pathology supervisor in the required task analyses, which do not violate any provision of Title 37, chapter 15, MCA, or these rules;

(ii) conduct speech-language evaluations under the supervision of the supervisor, and write evaluation reports which have been properly signed off by the supervisor;

(iii) conduct screening activities as permitted by the supervisor;

(iv) interpret data or clinical experience into diagnostic statements of clinical management policies with the supervisor present, or available, for the purpose of immediate communication and consultation;

(v) write or plan individual or group therapy/rehabilitation plans with supervisor review and sign off;

(vi) attend child study and IEP meetings concerning reports and cases prepared by the aide.

(c) aide III may:

(i) perform tasks identified by the speech-language pathology supervisor in the required task analyses which do not violate any provision of Title 37, chapter 15, MCA, or these rules;

(ii) only conduct screening activities expressly permitted by the supervisor.

(3) Speech-language pathology aides shall comply with the following guidelines on functions which are not allowed for the appropriate aide category:

(a) aide I may not refer clients to outside professionals;

(b) aide II may not:

(i) transmit clinical information to anyone other than the professional directly supervising him/her;

(ii) refer clients to outside professionals.

(c) aide III may not:

(i) conduct speech-language evaluations;

(ii) interpret data or clinical experience into diagnostic statements of clinical management policies;

(iii) transmit clinical information except to the professional directly supervising him/her;

(iv) determine the selection of cases;

(v) write or plan individual or group therapy/rehabilitation plans;

(vi) attend child study or IEP meetings except with the permission of the supervisor;

(vii) refer clients to outside professionals.

(4) Speech-language pathologist aides I who are currently enrolled in a speech-language pathology master's program may perform nonallowable functions of aides I, under supervision, only if all of the following conditions have been met:

(a) completion of 100 graduate level clinical clock hours, of which at least 25 hours were diagnostic;

(b) completion of 10 semester hours of graduate credits in the professional area;

(c) completion of the master's program within five years of commencement; and

(d) annual application for waiver of nonallowable functions of speech-language pathology aides I to the board for approval prior to commencement of performance as a speech-language pathologist aide I.

(5) Audiology aides and industrial audiology aides shall comply with the supervision plan and functions submitted by the supervisor at the time of application, and with all other statutory or rule requirements. (History: 37-15-202, MCA; IMP, 37-15-102, MCA; NEW, 1981 MAR p. 363, Eff. 4/17/81; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; AMD, 1989 MAR p. 1566, Eff. 10/13/89; AMD, 1993 MAR p. 2913, Eff. 12/10/93; AMD, 1996 MAR p. 2976, Eff. 11/8/96; AMD, 1999 MAR p. 408, Eff. 3/12/99; TRANS, from Commerce, 2004 MAR p. 2284.)

24.222.704 UNLICENSED INDIVIDUALS (1) All forms and documents signed by the unlicensed individual must be signed by the signator as "unlicensed person" and shall not contain the words "speech-language pathologist," (i.e. Jane Doe, unlicensed person.)

(2) An unlicensed individual shall not work until properly registered with the board office. (History: 37-15-202, MCA; IMP, 37-15-313, MCA; NEW, 1999 MAR p. 2249, Eff. 10/8/99; TRANS, from Commerce, 2004 MAR p. 2284.)

Sub-Chapters 8 through 20 reserved

Sub-Chapter 21

Continuing Education

24.222.2101 POLICY (1) The board expects all licensees to undertake continuing educational activities which are recognized by our professional organizations as being of value in furthering professional competence. (History: 37-1-319, 37-15-202, MCA; IMP, 37-1-306, MCA; NEW, 1982 MAR p. 378, Eff. 2/26/82; AMD, 1996 MAR p. 2976, Eff. 11/8/96; TRANS, from Commerce, 2004 MAR p. 2284.)

24.222.2102 CONTINUING EDUCATION REQUIREMENTS (1) Each licensee shall affirm completion of the required continuing education hours before February 1 of each odd-numbered year, on the renewal form. The board will randomly audit 10% of the renewed licensee's continuing education hours submitted each odd-numbered year. Certificates of completion for continuing education credits reported must be submitted upon request of the board.

(2) Continuing education units are required as follows:

(a) Speech-language pathology or audiology - 40 continuing education units (CEU), at least 25 of which must be obtained

through approved sponsor programs or academic course work.

(b) Dual licensure - 50 continuing education units, 25 in each area. Fourteen CEUs in each area must be sponsored.

(c) New licensees' continuing education units will be prorated accordingly.

(3) Credit will be granted only for educational activities undertaken during the two-year period for which continuing education is to be submitted.

(4) Licensees who serve as instructors in approved sponsor programs or academic courses may be allowed appropriate credit for the program's first presentation only. No credit will be allowed for repeat sessions.

(5) A licensee may apply for an exemption from the continuing education requirements of these rules by filing a statement with the board setting forth good faith reasons why the licensee is unable to comply with these rules and an exemption may be granted by the board. Each exemption application will be considered on a case-by-case basis.

(6) Speech-language pathology aides I shall complete 20 units of continuing education annually, six of which must be sponsored as defined in ARM 24.222.2103, and submit verification of the continuing education to the board at the time of registration. Fourteen unsponsored continuing education units may include on-the-job training as part of the supervision plan, and college coursework obtained through an accredited college or university.

(7) Audiology aides and audiology industrial aides shall complete six units of continuing education annually, two of which must be sponsored and four unsponsored as defined in ARM 24.222.2103, and submit verification of the continuing education to the board at the time of registration. (History: 37-1-319, 37-15-202, MCA; IMP, 37-1-306, 37-15-102, 37-15-309, MCA; NEW, 1982 MAR p. 378, Eff. 2/26/82; AMD, 1983 MAR p. 274, Eff. 4/1/83; AMD, 1985 MAR p. 1611, Eff. 11/1/85; AMD, 1989 MAR p. 2194, Eff. 12/22/89; AMD, 1996 MAR p. 2976, Eff. 11/8/96; AMD, 1998 MAR p. 2165, Eff. 8/13/98; AMD, 1999 MAR p. 408, Eff. 3/12/99; TRANS, from Commerce, 2004 MAR p. 2284.)

24.222.2103 CONTINUING EDUCATION DEFINITIONS (1) Unless the context requires otherwise, in this sub-chapter the following definitions apply:

(a) "Academic course work" means formal educational activity clearly related to the contemporary practice of speech-language pathology or audiology offered by a recognized post-secondary training institution documented by transcript or grade sheet.

(b) "Approved sponsor program" means any continuing education activity sponsored by an organization, agency or other entity which has been approved by the continuing education board of the American speech-language-hearing association (ASHA) documented by the confirmation sheet, or approved by the American academy of audiologists (AAA) as documented by the confirmation sheet.

(c) "Unsponsored continuing education unit" means an

educational activity that is directly oriented to improving the licensee's professional competence and is not obtained through approved sponsor programs or academic course work documented on forms provided by the board.

(d) "Continuing education unit" means one hour of active learning experience or equivalent as determined by the board.

(i) one continuing education unit received in an ASHA or AAA approved sponsor program shall be considered 10 continuing education units for purposes of this subchapter.

(ii) one quarter credit hour of academic course work shall be considered 10 continuing education units and one semester credit hour of academic course work shall be considered 15 continuing education units.

(e) "Licensee" means a person possessing a valid license issued by the board.

(i) For purposes of this definition, a suspended or inactive license shall be considered valid.

(f) "License period" means the time between the issuance of a license or renewal and the date on which the licensee applies for renewal. (History: 37-1-319, 37-15-202, MCA; IMP, 37-1-306, MCA; NEW, 1982 MAR p. 378, Eff. 2/26/82; AMD, 1989 MAR p. 2194, Eff. 12/22/89; AMD, 1996 MAR p. 2976, Eff. 11/8/96; TRANS, from Commerce, 2004 MAR p. 2284.)

#### Sub-Chapter 22 reserved

#### Sub-Chapter 23

#### Unprofessional Conduct

24.222.2301 UNPROFESSIONAL CONDUCT The board defines "unprofessional conduct" as follows:

(1) Any of the following:

(a) practice beyond the scope of practice encompassed by the license;

(b) practice beyond the level of practice for which the licensee is trained;

(c) accepting and performing occupational responsibilities which the licensee knows or has reason to know that he or she is not competent to perform;

(d) failing to refer patient or client to qualified professional when such advice or service is called for;

(2) Violation of statutory child abuse and elderly abuse reporting requirements;

(3) Guaranteeing the results of any speech or hearing therapeutic procedure;

(4) Failing to adequately supervise auxiliary staff to the extent that the client's health or safety is at risk. (History: 37-1-131, 37-1-319, 37-15-202, MCA; IMP, 37-1-316, MCA; NEW, 1989 MAR p. 2194, Eff. 12/22/89; AMD, 1996 MAR p. 2976, Eff. 11/8/96; TRANS, from Commerce, 2004 MAR p. 2284.)

#### Sub-Chapter 24

## Complaint Procedures

24.222.2401 COMPLAINT PROCEDURE (1) A person, government or private entity may submit a written complaint to the board charging a licensee or license applicant with a violation of board statute or rules, and specifying the grounds for the complaint.

(2) Complaints must be in writing, and shall be filed on the proper complaint form prescribed by the board.

(3) Upon receipt of the written complaint form, the board office shall log in the complaint and assign it a complaint number. The complaint shall then be sent to the licensee complained about for a written response. Upon receipt of the licensee's written response, both complaint and response shall be considered by the screening panel of the board for appropriate action including dismissal, investigation or a finding of reasonable cause of violation of a statute or rule. The board office shall notify both complainant and licensee of the determination made by the screening panel.

(4) If a reasonable cause violation determination is made by the screening panel, the Montana Administrative Procedure Act shall be followed for all disciplinary proceedings undertaken.

(5) The screening panel shall review anonymous complaints to determine whether appropriate investigative or disciplinary action may be pursued, or whether the matter may be dismissed for lack of sufficient information. (History: 37-15-202, MCA; IMP, 37-1-308, 37-1-309, MCA; NEW, 1996 MAR p. 2976, Eff. 11/8/96; TRANS, from Commerce, 2004 MAR p. 2284.)

24.222.2402 SCREENING PANEL (1) The board screening panel shall consist of one speech-language pathologist board member who has served longest on the board; one audiologist board member who has served longest on the board; and one public member of the board. The chairman may reappoint screening panel members, or replace screening panel members as necessary at the chairman's discretion. (History: 37-15-202, MCA; IMP, 37-1-307, MCA; NEW, 1996 MAR p. 2976, Eff. 11/8/96; TRANS, from Commerce, 2004 MAR p. 2284.)